

An examination of the utility of criminal curfews as a policy response to youth crime in Australia

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Recommended citation(APA):

Goldsworthy, T. (2018). *An examination of the utility of criminal curfews as a policy response to youth crime in Australia*. 55. 2018 Crime Prevention and Communities Conference, Melbourne, Australia.

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**An examination of the utility of criminal
curfews as a policy response to youth crime in
Australia.**

Dr. Terry Goldsworthy

OUTLINE

- Defining curfews
- The overseas experience
- Criminalisation and moral panic
- Western Australia
- The Queensland experience in Townsville



CURFEW
10 PM - 6 AM
STRICTLY
ENFORCED
MINORS UNDER 18
NOT ALLOWED
WITHOUT ADULT

Calls for curfew after Australian youth crime spree

Wagga police back curfew call

Ella Smith Local News

SHARE TWEET COMMENTS



Wagga LAC crime manager Detective Inspector Darren Cloake.



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CRIME AND COURT

NT News poll shows public overwhelmingly wants youth curfew



brisbane times

NATIONAL QUEENSLAND

Townsville crime: Youth crime spark calls for night curfew

CURFEW VIOLATIONS

PHILADELPHIA CODE §10-300

IF YOU ARE UNDER 18 YEARS OF AGE

SUNDAY - THURSDAY: 10:30 PM - 6:00 AM
FRIDAY & SATURDAY: 12:00 MIDNIGHT - 6:00 AM

IF YOU ARE UNDER 13 YEARS OF AGE

SUNDAY - THURSDAY: 9:00 PM - 6:00 AM (9:30 PM DURING SUMMER)
FRIDAY & SATURDAY: 10:00 PM - 6:00 AM (YEAR ROUND)

PENALTIES

JUVENILES & BUSINESS OPERATORS: \$150.00 TO \$300.00 PARENTS: \$100.00 TO \$300.00
PHILADELPHIA POLICE DEPARTMENT : www.ppdonline.org

Ridealong with Mount Isa Tactical Crime Squad members in Townsville as part of Operation Oscar Merchant. Constables Jeremy Struswick and Wayne Querruel spent the night conducting street checks juveniles out after dark. Picture: Zak Simmonds

CRIME AND COURT

Why aren't these kids at home in bed?

Just In Politics World Business Sport Science Health Arts Analysis

Print Email Facebook Twitter More

Queensland election: LNP plans youth curfew, welfare freeze in Townsville

By Chris O'Brien

Updated 2 Nov 2017, 5:15pm

Call For Curfew In Hot Spots To Tackle Crime

Win an AFL grand final trip | Take the Ultimate Footy Survey 2018

NEWS > THE KIMBERLEY ECHO

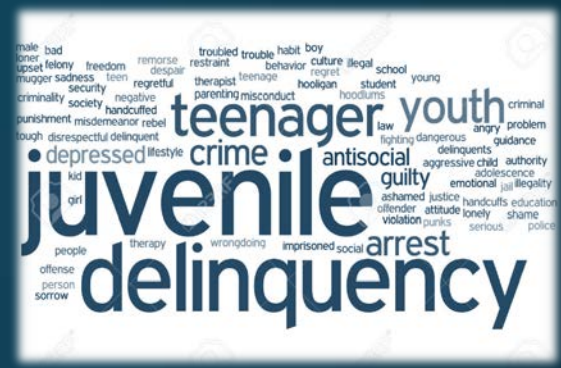
Businesses call for curfew to cut youth offending

CURFEW LAWS STRICTLY ENFORCED

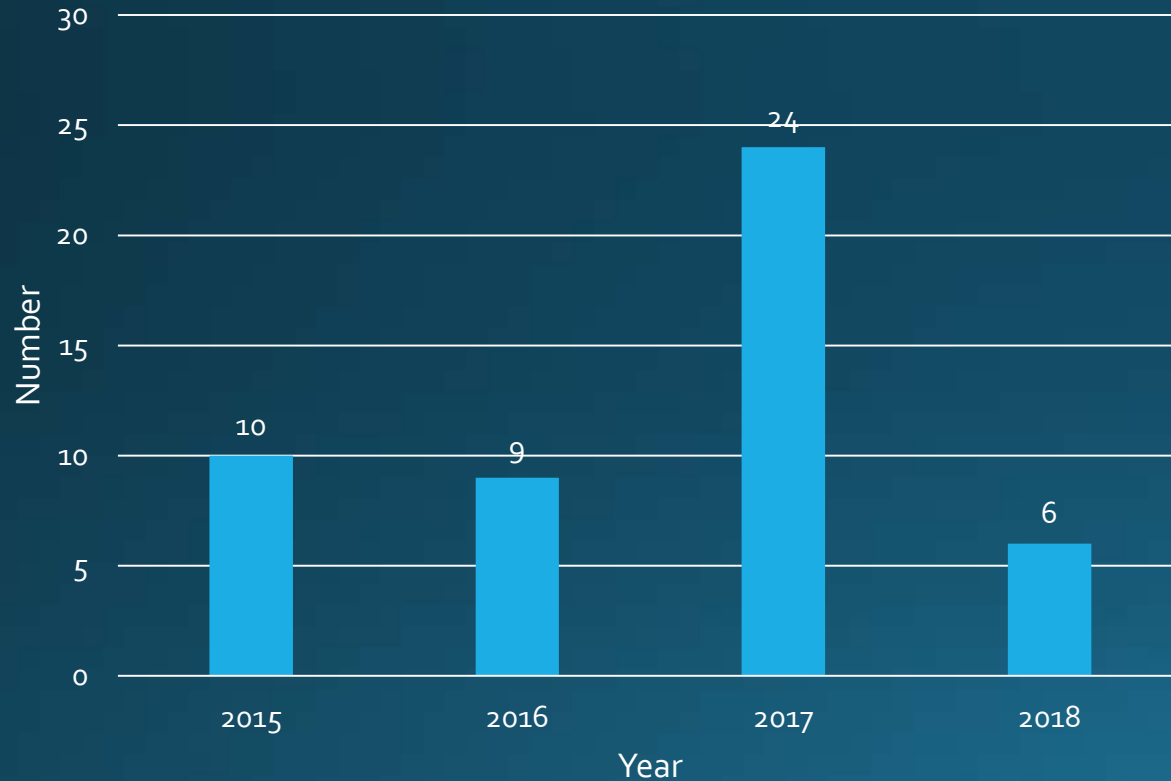
FRI., SAT., HOLIDAYS
9P.M. - 5A.M.
SUN. - THURS.
10P.M. - 5A.M.

Clark County Code Chapter 12.12

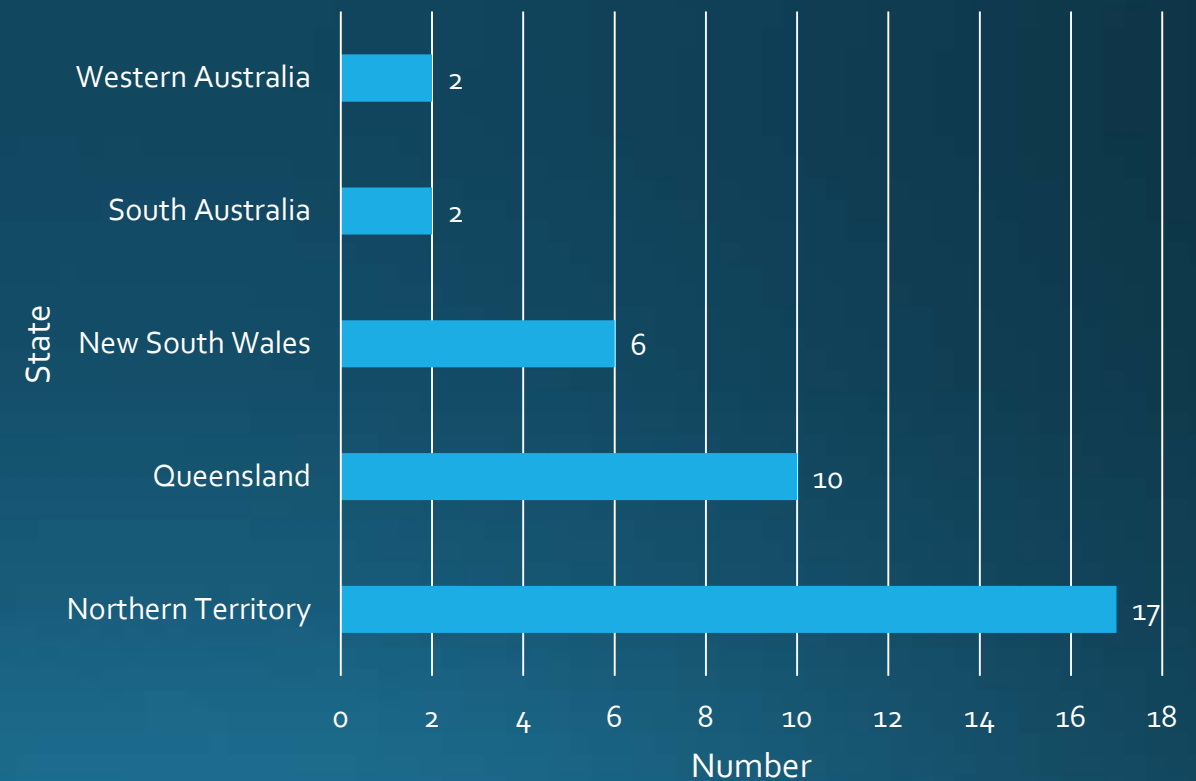
Media and the Youth Curfew



Number of Stories on Youth Curfews by Year
2015-2018



Number of Youth Curfew Stories by State 2015-
2018



When is a curfew not a curfew?

From: Police Media <police.media@police.wa.gov.au>
Date: Sat, Nov 11, 2017 at 2:45 PM
Subject: RE: Media enquiry - Northbridge curfew
@theconversation.edu.au>

There is no 'curfew' as such in place in Northbridge.

Perhaps you are referring to police powers under the Children and Community Services Act 2004. Police use this legislation if they determine that a child needs care and protection at any time of the night or day.

Together with Mission Australia, the Department of Child Protection and Family Support and Noongar Outreach Services, WA Police also provides a 'Youth at Risk' facility on Friday and Saturday night to assist young people who may be 'deemed in need of care and protection' and who are located on the street at night, particularly in the entertainment precincts of Perth and Northbridge.



Media Statements

[Home](#)

Premier unveils Northbridge curfew policy

Thursday, 26 June 2003

26/6/03

Pre-teenage children who are not under the immediate care of a parent or responsible adult will not be allowed on the streets of Northbridge after dark under a curfew policy unveiled today by Premier Geoff Gallop.

A 10pm restriction will also apply for unsupervised children aged 13 to 15.

The Premier said a hard-line approach would also be adopted for all young people under the age of 18 who engaged in anti-social behaviour in Northbridge or were under the influence of alcohol or other drugs.

Dr Gallop said the policy was developed in response to a growing problem of young, unsupervised and often vulnerable children roaming the streets of Perth's main adult entertainment district at night.

A three-month crackdown earlier this year resulted in police removing 454 juveniles from Northbridge streets - 65 per cent were girls.

"This is about protecting children who, quite frankly, should not be wandering the streets at night," the Premier said.

"It is also about protecting the rights of people to go about their business in Northbridge without being harassed by gangs of juveniles.

"In many cases they are engaging in aggressive and offensive behaviour making them not only a nuisance to others but a risk to themselves.

"Many are under the influence of alcohol or other drugs and in obvious physical and moral danger."

Defining what a curfew is



- Juvenile curfews are local ordinances proscribing minors, generally within a specified age range, from occupying public areas and streets during particular times. (Kline, 2011)
- Juvenile curfew laws restrict the presence of youngsters in public during specified hours on a continuing basis. (Adams, 2003)
- A statute that prohibits juveniles from frequenting public places within specified hours. (Wallace, 2017)
- Controlling the hours when young people may be in public so as to limit their opportunities to commit offences or suffer victimisation. (McDowall, Loftin, & Wiersema, 2000)

Curfews - some common factors

- Targeted subgroup in society
- Legislated restrictions for non-criminal behaviour
- Restrictions usually applied to geographic proximity
- Temporal patterns and context



Broad arguments around youth curfews

- **FOR**
 - Increases in public safety
 - Reduction in crime by, and risk to the targeted group
 - Increase in the perception of an effective policing response to a perceived or real crime problem
 - Popular with law enforcement and general public as a strong law response
 - Politically low risk move
- **Against**
 - Occupies police time removing law-abiding youth from public
 - Creates emptier, less policed streets
 - Possibly enhanced opportunities for crime
 - Discrimination
 - Leads to interaction with police for non-criminal behaviour
 - Net widening
 - Little relationship with youth crime and victimisation
 - Simple response to complex problems
 - Youth are seen as being outside of society, they are seen as a threat
 - Negative response that does little to engage young people

Fighting Crime

- Leads to a losing battle to protect remaining rights of the individual.
- Increased punishment for community welfare.
- What is more important?



Overseas experiences - positive



- Metadata analysis of crime data, US. The evidence suggests that curfews **are effective** at reducing both violent and property crimes committed by juveniles below the statutory curfew age. About 10% reduction in the five years following enactment. (Kline, 2011)
- **Neutral**
- Metadata analysis of crime curfew articles, US. *"Of the six studies examining the effectiveness of juvenile curfew laws on adverse **youth health outcomes**, five found a positive impact.* (Grossman & Miller, 2015)
- *Of the eight studies examining the effectiveness of curfew laws on **juvenile crime and victimization**, four found a positive impact."* (Grossman & Miller, 2015)
- Data analysis of longitudinal survey, US. "Curfews have **no statistically significant effect on the criminal behaviour of young adults**, they do have a negative effect on the arrests of young adults." (Gius, 2011)

Overseas experiences - negative



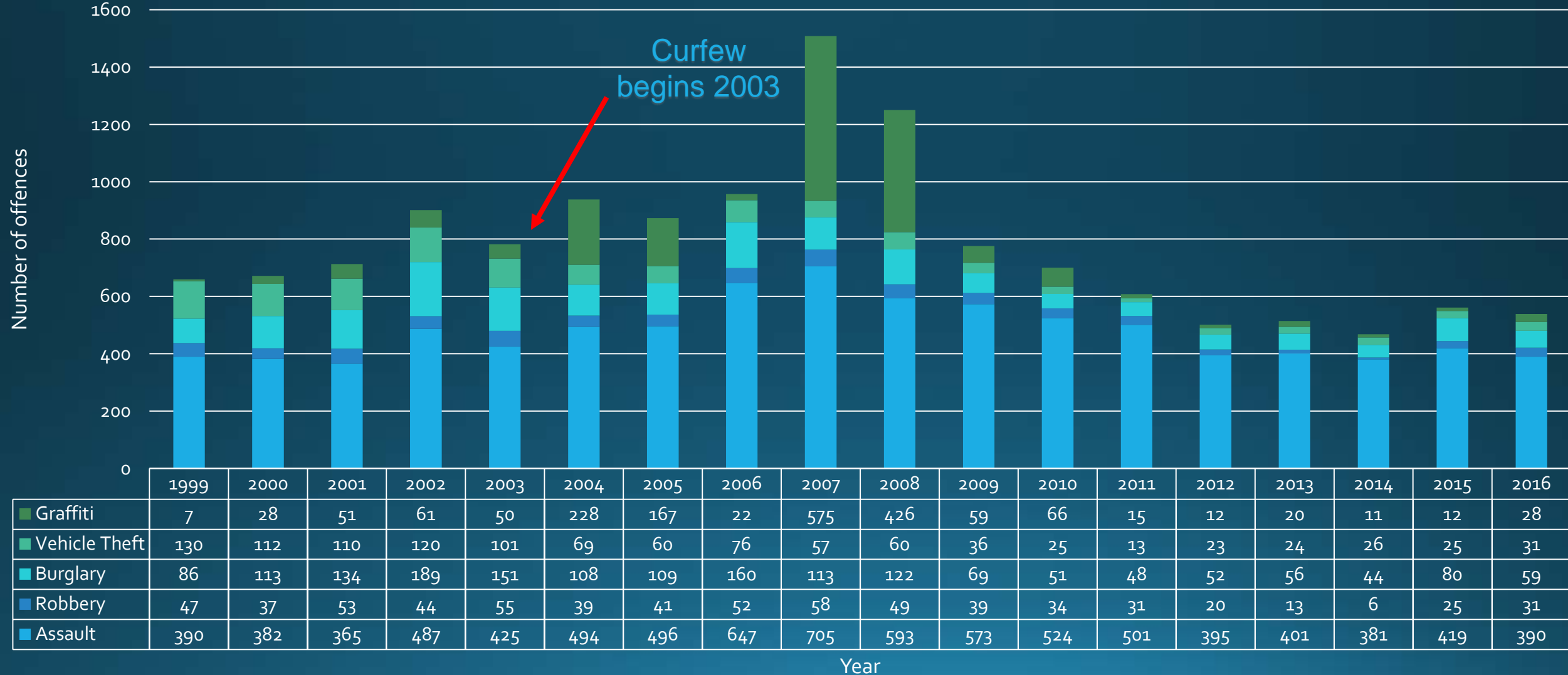
- New Orleans, US. *"The **results show the ineffectiveness of the curfew.** Victimization, juvenile victimization, and juvenile arrests during curfew hours did not decrease significantly after the law went into effect; some victimizations during non-curfew hours increased significantly after the law was implemented."* (Reynolds, Seydlitz, & Jenkins, 2000)
- Examination of 57 cities in the US with curfews. *"...new laws were not followed by reductions in crime. **Any preventive effects of curfews appear to be small.**"* (McDowall, Loftin, & Wiersema, 2000)
- Systemic review of 10 studies on curfews, US. *"A systematic review of empirical research on juvenile curfews, concluding that the evidence **does not support the argument that curfews prevent crime and victimization.** Juvenile crime and victimization are most likely to remain unchanged after implementation of curfew laws."* (Adams, 2003)
- Vernon, USA,. Crime reduced less than comparable cities without curfews. *"**The curfew's main effect was to occupy police time removing law-abiding youth from public, creating emptier, less policed streets, and possibly enhanced opportunities for crime.**"* (Males, 2000)

Northbridge - Western Australia

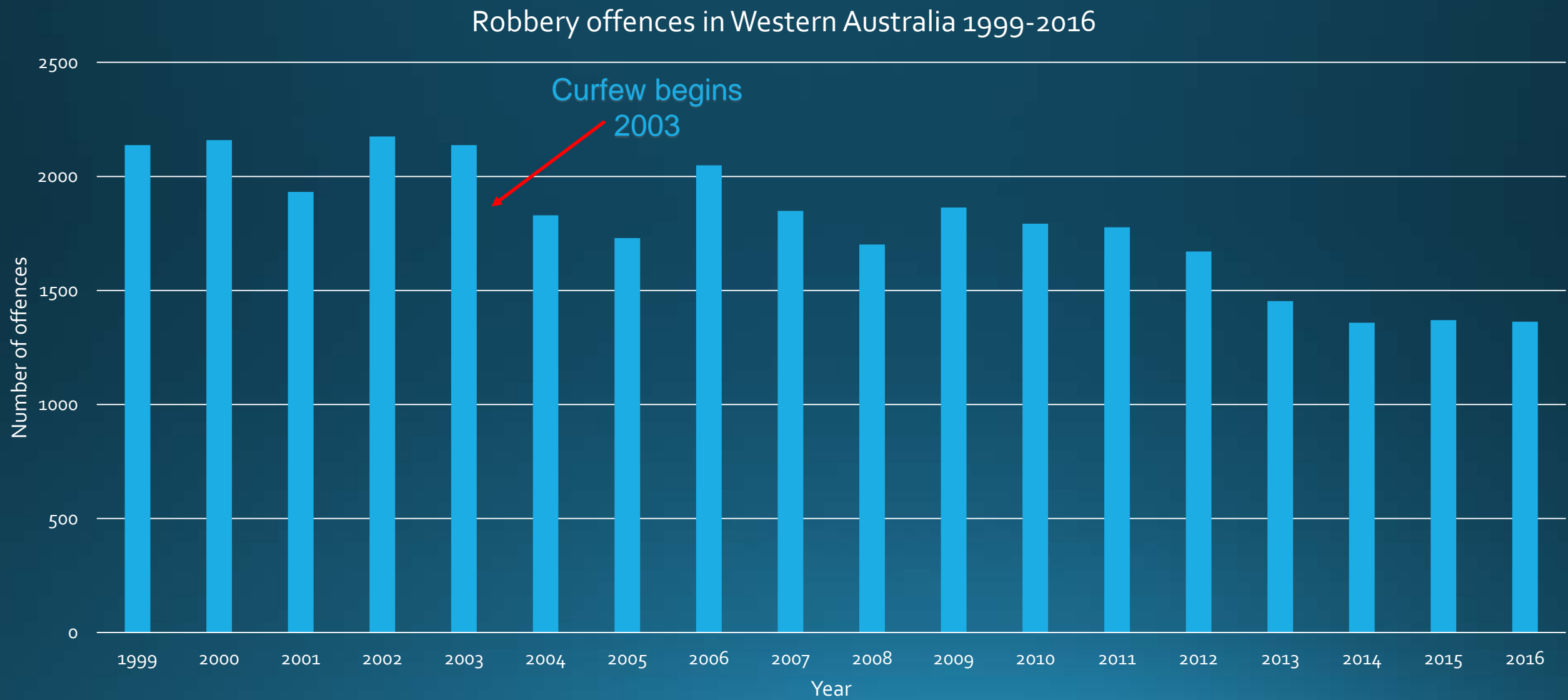
- Announced in 2003, part of a larger suite of measures to address welfare and safety concerns in the suburb of Northbridge, Perth.
 - *Children under the age of 12 not under the immediate care of a parent or responsible adult were not allowed on the streets of Northbridge after dark; and*
 - *a 10pm restriction applied for unsupervised children aged 13 to 15.*
 - *Included any child at risk to themselves or others, affected by substance abuse or misbehaving.*
- Power for police to move such to a safe place.
- Managed by a combination of government departments and NGO'S.
- Follow up after the initial interaction with police to address underlying issues.

Northbridge WA – Reported Offences data

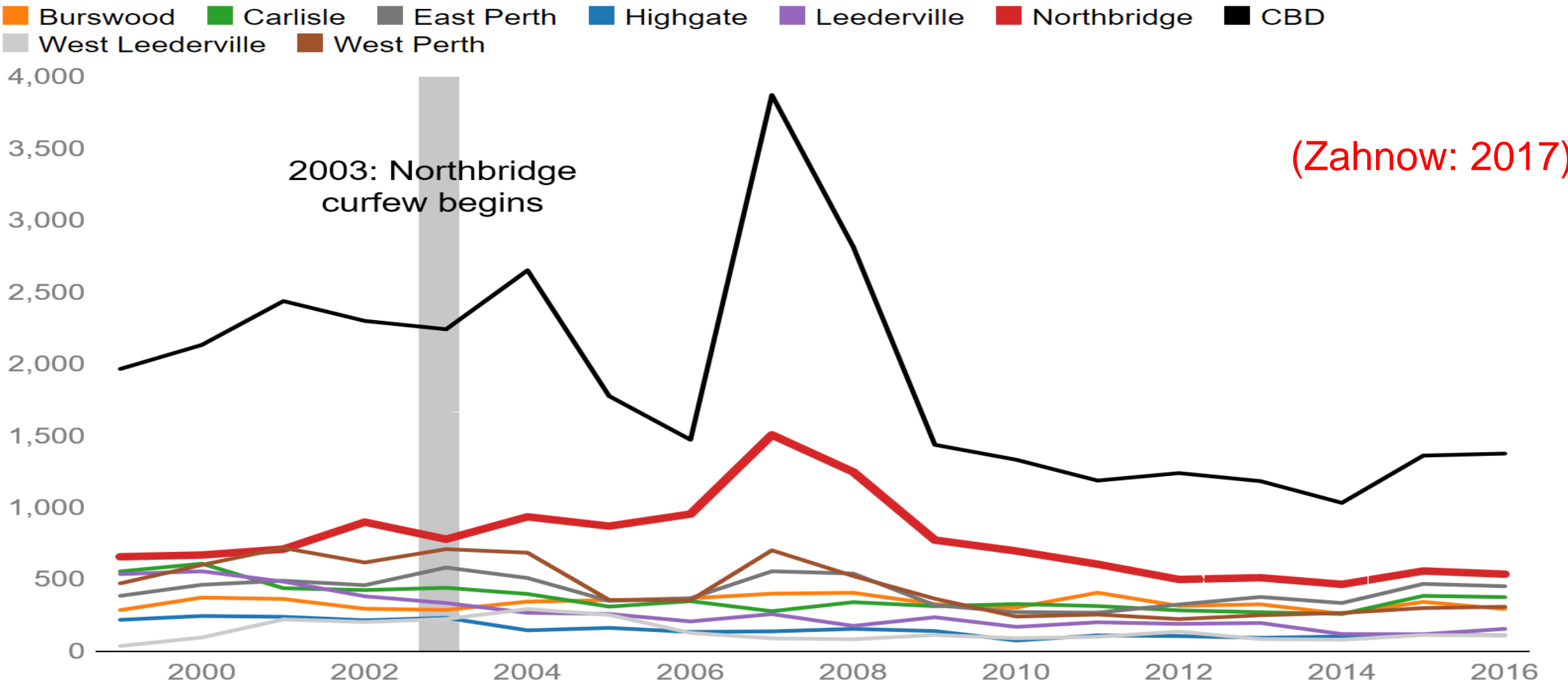
Offences in the Northbridge Police area WA 1999-2016



Robbery Offences WA



Crime in Northbridge and neighbouring Perth suburbs, 1999 to 2016



Crime data includes assault, burglary, graffiti, robbery, and motor theft

Source: [Western Australian Police Force](#)

Northbridge WA - (Zahnnow, 2017)

- No evidence to support claims that curfew reduced crime.
- Evidence that crime did in fact increase in the 4 years after the introduction of the curfew.
- When crime reduced in 2007 in Northbridge, there were similar decreases in surrounding areas
- Evidence that fewer young people came into contact with police after the introduction of the curfew.
- 2017 review of the curfew concluded:
 - The evaluation also concluded that previously documented successes of the curfew for crime protection and child protection had been achieved through displacement of young people to other locations that neither reduced crime nor increased safety. (Cooper and Love, 2017).

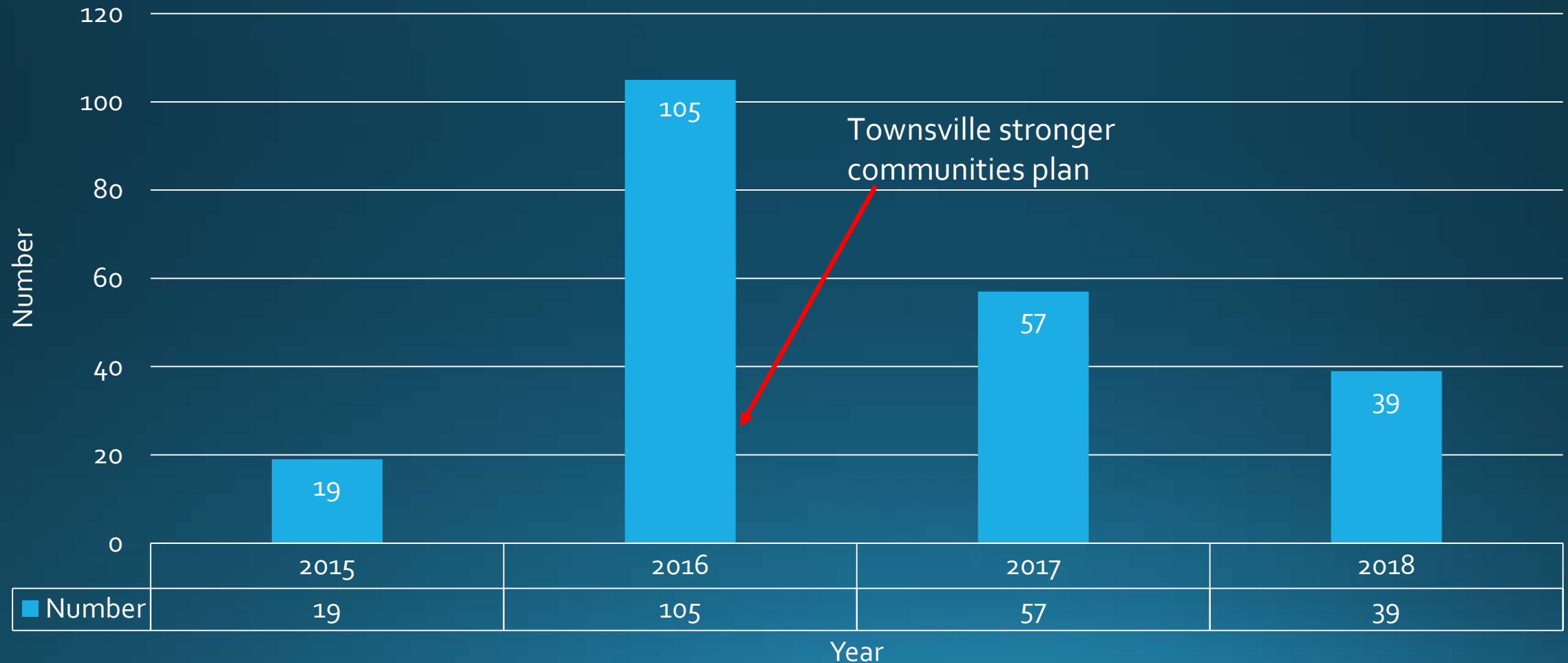
Moral Panic – Just do something

- Societal concern
- Hostility directed to an identified subgroup
- Consensus from society
- Disproportionate
- Volatility



Media and moral panic - Townsville

Factiva search for the terms Youth Crime or Juvenile Crime, stories sourced from the Townsville Bulletin 2016-2018



Queensland election November 2017

- LNP proposal for a youth curfew.
- Proposed to make parents more accountable
- Implementation of Operation Townsville Safe Streets with a 6 month youth curfew.
- Cost of \$1.3 million:
 - To apply to children under the age of 16
 - On the streets after 10pm
 - Either by themselves or with other minors
 - To be collected by police and taken to an emergency shelter until they could be returned safely to their parents
- *"Young thugs roaming the streets would soon learn that it's not worth the risk of being caught, while their parents would be held more accountable for their actions."*

NORTH QUEENSLAND CRIME ACTION PLAN

Cairns District:

	2015	2016	Change	%	2013	2014	%
Assault	745	858	15.2	622	742	-6.9	
Robbery	51	69	35.3	56	57	-13.6	
Unlawful Entry	1433	1551	8.3	1554	1474	-5.1	
Car Theft	344	478	38.1	339	252	-28.7	

Source: Questions on Notice 101 and 1266 asked in August 2017.

Do locals support the actions of the Palaszczuk Labor Government in dealing with increased crime rates?
In late 2016, the Townsville Bulletin polled local residents on their views about how their three local Labor MPs were responding to local crime issues in the community. The results speak for themselves:

	yes	no
online poll	96%	4%

voted at townsvillebulletin.com.au
Townsville Bulletin, 24 September 2016

When will the policies be implemented?
The dedicated police and emergency services helicopter will be leased. We will start the procurement process in the first 100 days of an LNP Government as a priority measure in the fightback against crime.

The youth curfew strategy, 'Operation Townsville: Safe Streets' will be established with a locally co-ordinated implementation panel and commence in 2018, as a six month trial.

Law reform proposals will be prioritised as part of our legislative reform agenda within the first 12 months of government.

Why is the police pursuit policy being changed?
On behalf of their members, the Queensland Police Union of Employees has been calling for changes to the current policy to allow more discretion as to when police are able to pursue offenders. They have labelled the current policy – the 'no pursuit' policy – ineffective for its overly restrictive nature.

Community safety is obviously a paramount consideration as part of the policy overhaul, however a more balanced approach should be at least trialled. If we trust the police to use discretion when using lethal force, we should allow

Frequently Asked Questions

To what extent has crime increased in Cairns and Townsville in recent years, compared with the LNP?

Townsville Region:

	2015	2016	Change	%	2013	2014	%
Assault	1706	1843	8.1	1644	1652	-1.1	
Robbery	62	111	79.0	66	57	-13.6	
Unlawful Entry	2192	3219	46.9	3181	2088	-34.4	
Car Theft	651	1159	78.0	1035	592	-42.9	

The Townsville response

Townsville Stronger Communities Action Group

Five point plan

Targeted
policing

Increased
community
involvement

Employment
outcomes

Service
delivery

Addressing
causes



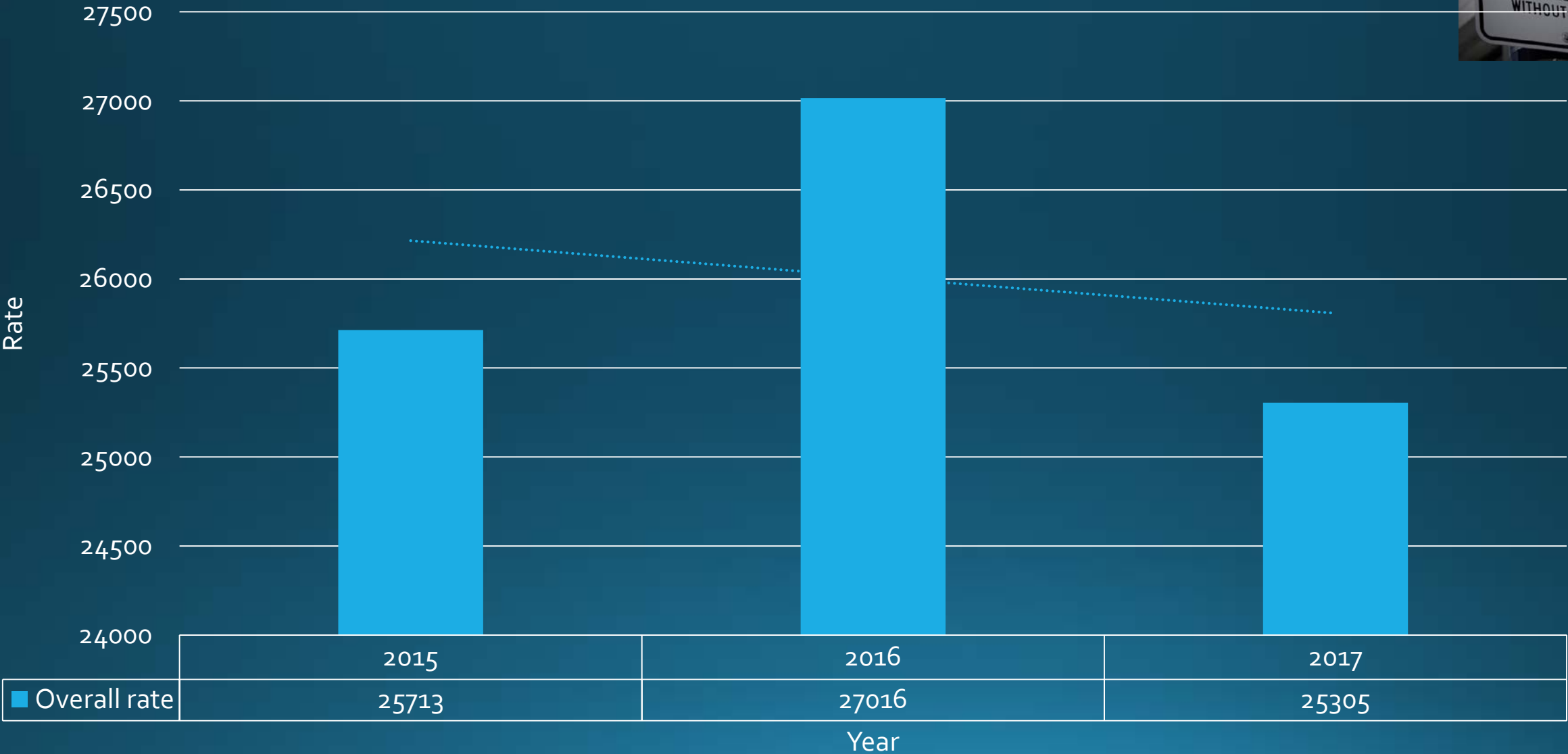
Observations about Townsville youth crime

- Government data.
- One per cent of Townsville's youth population (aged 10–16) was charged with an offence in 2016–17.
- Thirty children were responsible for half of all offending by youth in the region.
- In Townsville, more than 60 per cent of children who receive a police caution do not come into contact with the justice system again.

Overall reported crime rate Townsville police District

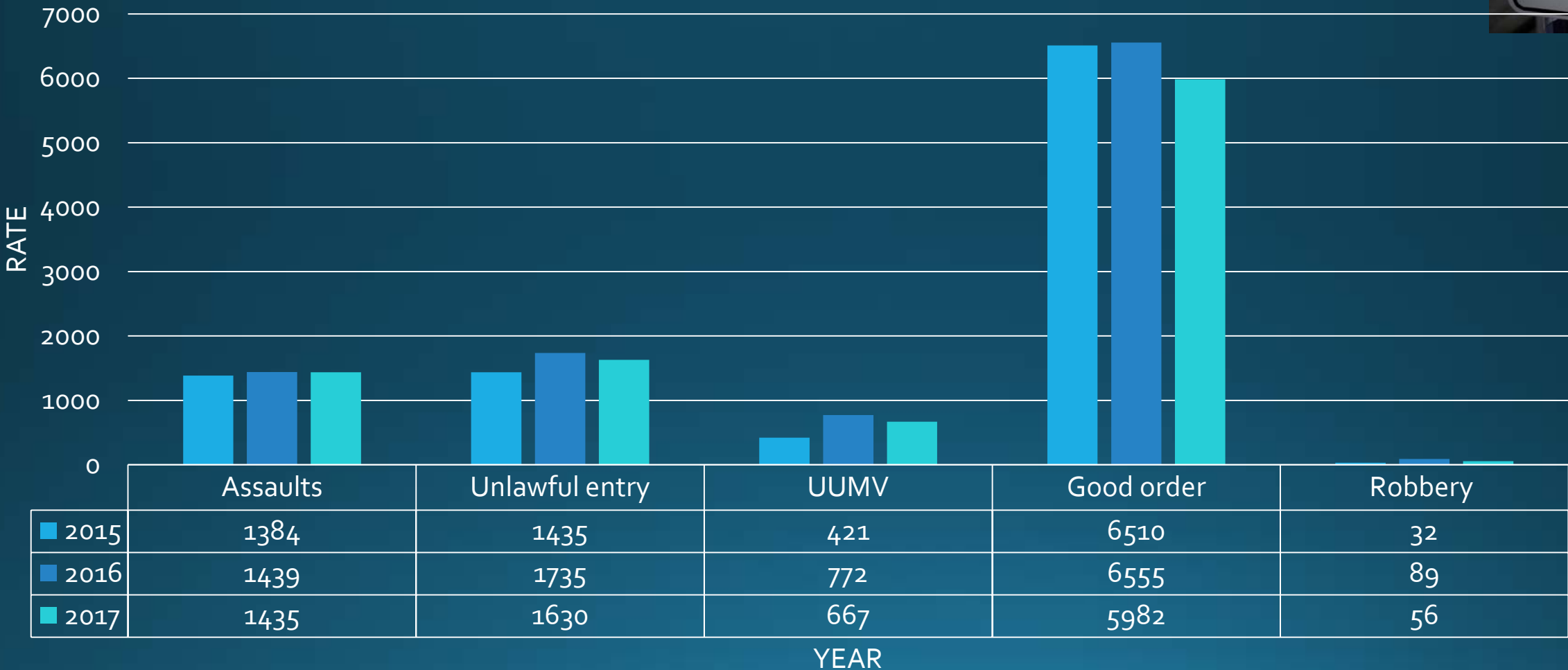


Reported overall crime rate per 100,000 for Townsville Police Division 2015-2017



Townsville Division – Specific offences reported crime rate

Reported crime rate per 100,000 for Townsville Police Division for specific offences
2015-2017



2015 2016 2017

Townsville outcomes

- Government data.
- A total of 1523 proven offences committed by children (aged 10–16) in Townsville were finalised in court during 2016–17.
- This is a 17 per cent reduction in 2016-17, on the previous year 2015-16.
- Since 2012–13, proven offences in Townsville have decreased by 32 per cent.
- The rate of young people in Townsville with at least one proven offence was 12.3 per 1000 children, compared with 8.1 Queensland-wide.
- A total of 220 children had one or more proven offences in 2016–17. This is a 6 per cent reduction since 2015–16.

Bail Act - Targeted curfews

- Qld Bail act.
- The conditions that may be imposed upon a person who has been granted bail are contained in s 11 of the Bail Act 1980 (Qld) (Bail Act).
- The conditions imposed are not to be more onerous for the person granted bail than are necessary, having regard to the nature of the offence, the circumstances of the defendant and *the public interest* (s 11(1)).
- E.g. in the act – “*A special condition that prohibits a person from entering or being in the vicinity of a stated place or a place of a stated class*”
- Curfews (for young offenders), which means they will not be allowed to be out after a certain time
- Advice from Legal Aid Queensland – Criminal Law Duty Lawyer Handbook – “*If the defendant is young and the offences are alleged to have occurred at night or in the early hours of the morning, obtain instructions regarding the defendant’s willingness to abide by a curfew.*”

Targeted curfews – other mechanisms

- Youth Justice Act 1992.
- S 193 Probation orders—requirements
 - (2) A probation order made against a child may contain requirements that the child must comply during the whole or a part of the probation period with conditions that the court considers necessary or desirable for preventing—
 - (a) a repetition by the child of the offence in relation to which the order was made; or
 - (b) the commission by the child of other offences.
 - “*Example: a condition imposing a curfew on the child*”
- S 228 Supervised release orders
 - (3) The chief executive may—
 - (a) impose conditions that the chief executive considers appropriate on the supervised release order; and
 - (b) amend the conditions at any time by written notice served on the child.

Conclusions

- The available evidence would seem to suggest that youth curfews do not reduce crime, or at best is tenuous.
- The causes of youth crime are multifactorial and require a long term and multifaceted approach.
- Where core groups of offenders are identified focused and targeted strategies are available.
- Specific curfews for specific behaviour may be appropriate, rather than general curfews for a defined population group.



Questions

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